IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3295 OF 2005

IN

SUIT NO.2976 OF 2005

...

Nivrutti Nanaji Dhole ...Plaintiff

v/s.

Laxman S. Dhage ...Defendant

And

Agricultural Produce Market Committee ...Respondent

...

Ms.S.Shrikrishna i/b D.H.Law & Associates for the Plaintiff.

Mr.H.S.S.Murthy i/b N.M.Shah for Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 21ST JUNE, 2007

P.C.:

By consent of parties,Notice of motion is disposed of in following terms:

1. The learned Counsel appearing for the Defendant states that he will accept service of summons for judgment , if it is taken out by the Plaintiff immediately.

2. The learned Counsel appearing for the Plaintiff states that within one week from today the Plaintiff will take out a summons for judgment in summary suit and serve it on the advocate appearing for the Defendant.

3. The office is directed to place the summons for judgment taken out by the Plaintiff as per the above statement before the appropriate court for suitable

orders.

4. Till the summons for judgment is decided, ad-interim order in terms of prayer clauses (d) & (e) of this Notice of Motion shall continue to operate. It is further clarified that it is the case of the Defendant that the immoveable property described in the Exh.C has already been transferred by him in favour of Mr.Narayan Nivrutti Shinde before the court passed the ad-interim order. Notice of motion disposed of.

5. It is clarified that the Plaintiff shall be at liberty to take out a fresh motion claiming interim reliefs after the summons for judgment is decided. The Plaintiff shall also be free to seek appropriate orders from the court which will decide the summons for judgment.

6. In case the Plaintiff does not take out summons for judgment within one week as stated by the learned Counsel appearing for the Plaintiff, the interim order granted in this Notice of Motion shall cease to operate forthwith.

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